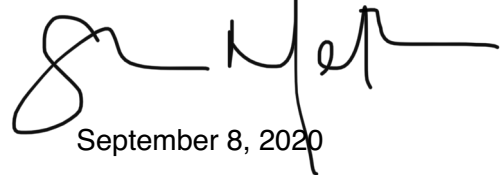


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SO ORDERED.

September 8, 2020



September 8, 2020

BY EMAIL

The Honorable Sarah Netburn
United States Magistrate Judge
Southern District of New York
500 Pearl Street
New York, New York 10007

Re: United States v. Elaine Carberry; 20 Mag 8458 (UA)

Dear Judge Netburn:

I represent Elaine Carberry in the above-referenced matter, having been appointed pursuant to the provisions of the Criminal Justice Act (“CJA”), 18 U.S.C. § 3006A on February 14, 2020.¹ I write, without objection from the Government or Pretrial Services, to respectfully request a modification of their bail conditions, removing the condition of a mental health evaluation.

On August 13, 2020, Mx. Carberry was arrested on a Complaint in which it is alleged that they and others conspired to cause damage to an empty NYPD van by throwing a homemade explosive device into or near the vehicle at around 4:30 a.m. on July 15, 2020. Mx. Carberry was released pursuant to several conditions, including a personal recognizance bond of \$100,000 to be cosigned by two financially responsible persons, a curfew, travel restrictions to the Southern and Eastern Districts of New York, and supervision as directed by Pretrial Services. They were released on their own signature and met with Pretrial Services to discuss their release conditions.

Mx. Carberry is 36 years old and a graduate of Brown University and Columbia University. They does not have a criminal record. Since their release, Mx. Carberry has been compliant with all conditions of release. They are also gainfully employed. As confirmed by Pretrial Services, there is no need for a mental health evaluation as Mx. Carberry does not have a mental health diagnosis or mental health history. Accordingly, it is respectfully requested that such condition be removed.

Thank you for your consideration.

¹ Mx. Carberry’s preferred pronouns are they/their/them

Respectfully submitted,

/s/

Anthony Cecutti

cc: Assistant United States Attorney Christy Slavik
Pretrial Services Officer Courtney Defeo